



Rep. Steve Scalise (R-LA), RSC Chairman
Rep. Cynthia Lummis (R-WY), RSC Repeal Task Force Chairman

Repeal the President's Authority to Unilaterally Designate National Monuments

February 27, 2013

On January 15, 2013, **Rep. Jason Chaffetz (R-UT)** introduced **H.R. 250, the Antiquities Repeal Act**. This legislation would amend the Antiquities Act of 1906 by requiring Congressional approval of any national monument designated by the President, effectively repealing the President's authority to unilaterally designate national monuments.

As passed by Congress, the **Antiquities Act of 1906** was intended to preserve archeological sites, mainly Indian ruins and artifacts, on small parcels of land that required immediate protection. Unfortunately, presidents have used the Antiquities Act for purposes clearly beyond its original intent.

In recent years, a disturbing trend has emerged in land designations: the usual route through Congress has been circumvented as the Executive Branch has been allowed to designate national monuments without the consent of elected legislators or consultation with State and local governments. Under current law, the President can unilaterally designate national monuments on federal land outside of Alaska and Wyoming without any check or balance from Congress simply by issuing an Executive Order. These designations lock-up millions of acres of public lands in the West, without Congressional approval, and restrict access for energy production, recreation, and other job-creating economic activities. However, unilateral presidential action is not required to protect federal land. Over the past several decades, the President and Congress have worked together to create numerous national parks, national monuments, and wilderness areas.

Between 1906 and 1999, Presidents designated 118 national monuments, and only three Presidents (Nixon, Reagan, and George H.W. Bush) never used the power. Just weeks before the 1996 election, President Clinton designated 1.9 million acres of BLM land in Utah as a national monument. This massive national monument was created by Executive Order without Congressional approval and without input from the governor of Utah or local government officials. In 2010, a leaked Department of Interior memo revealed that the Obama administration was considering designating 14 new national monuments in nine states. Repealing the President's ability to arbitrarily designate national monuments and requiring Congressional review of proclamations will help to prevent such abuses of power in the future.

H.R. 250 is not intended to stop the creation of national monuments. This bill simply seeks to add transparency, oversight, and debate to the process of designating national monuments.

For additional information or to cosponsor the bill, contact Mike Jerman in Rep. Chaffetz's office at mike.jerman@mail.house.gov or 6-7714.

Repeal Contact: Christine Riffle, christine.riffle@mail.house.gov, 5-2311 (Rep. Lummis)
Brett Horton, brett.horton@mail.house.gov, 5-3015 (RSC)

These Alerts highlight repeal initiatives of individual RSC members.
Items featured are not necessarily endorsed by the RSC or members of the Repeal Task Force.